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09/583,301	05/30/2000	Robert Seliger	S1389/7009	2275

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EXAMINER	
JACOBS, LASHONDA T	

ART UNIT	PAPER NUMBER
2157	15

DATE MAILED: 04/21/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/583,301	SELIGER, ROBERT	
	Examiner	Art Unit	
	LaShonda T. Jacobs	2157	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *28 January 2004*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-38* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-38* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date *10 and 14*.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

This Office Action is in response to Applicant's Election Response to prosecute the invention of claims 1-38. Claims 39-47 are withdrawn from further consideration by the examiner, 37 CFR 1.142(b), as being drawn to a non-elected invention.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. Claims **1-38** are rejected under 35 U.S.C. 103(a) as being unpatentable over Johnson et al (hereinafter, "Johnson", 5,664,109) in view of O'Toole et al (hereinafter, "O'Toole", 6,345,294).

As per claim **1**, Johnson discloses a context management system comprising:

- at least one memory in which is stored a set of instructions defining a context management server which delivers context management information to client applications and a set of instructions defining a software interface for administering the context management server over the network using a general-purpose client interface (abstract, col. 4, lines 52-67, col. 5, lines 1-21, lines 28-31 and col. 7, lines 42).

However, Johnson does not explicitly disclose:

- a server appliance comprising a computer system having a power supply input and a network input/output (I/O) port for coupling the server appliance to a network.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance comprising a computer system having a power supply input and a network input/output (I/O) port for coupling the server appliance to a network (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated O'Toole teachings of a network appliance with the system of Johnson for the purpose of providing a low cost administration system, which allows the network appliance to boot and obtain its configuration information distributes information efficiently.

As per claim **8**, Johnson discloses a context management system, comprising:

- at least one memory in which is stored a set of instructions defining a context manager accessible to managed applications through the network and a set of instructions defining a context vault accessible to the context manager (abstract, col. 4, lines 52-67, col. 5, lines 1-21, lines 28-31 and col. 7, lines 42).

However, Johnson does not explicitly disclose:

- a web server, accessible through a network via the HTTP protocol.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a web server, accessible through a network via the HTTP protocol (col. 6, lines 54-65, col. 8, lines 54-67 and col. 9, lines 1-6).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating a web server for storing information in order to allow users to surf and retrieve information in a timely and efficient manner.

As per claim **12**, Johnson discloses a method for context management over a network, comprising:

- receiving, via the network, a first network message, in accordance with a network communication protocol, containing information pertaining to the context management action (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5);
- performing an act pertaining to the context management action (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5); and
- sending, via the network, a second network message, in accordance with the network communication protocol, containing information pertaining to the context management action (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5).

However, Johnson does not explicitly disclose:

- a server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance network in

order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **30**, Johnson discloses a context management system:

- a memory holding context management software (abstract, col. 4, lines 52-67, col. 5, lines 1-21, lines 28-31 and col. 7, lines 42);
- a network connection (col. 4, lines 52-67, col. 5, lines 28-31 and lines 46-54);
- a processor executing instructions corresponding to said context management software (col. 4, lines 52-67 and col. 5, lines 1-21); and
- a network carrying information pertaining to context management actions (abstract, col. 4, lines 52-67, col. 5, lines 1-21, lines 28-31 and col. 7, lines 42).

However, Johnson does not explicitly disclose:

- a server appliance couple to a network via network connection.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance couple to a network via network connection (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **2**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- configuration information for the context management server, whereby the context management server can bootstrap without requiring user intervention.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- configuration information for the context management server, whereby the context management server can bootstrap without requiring user intervention (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated O'Toole teachings of a network appliance with the Johnson for the purpose of providing a low cost administration system, which allows the network appliance to boot and obtain its configuration information and distributes information efficiently.

As per claim **3**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- a set instructions which when executed connect to the server appliance to the network absent user intervention.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a set instructions which when executed connect to the server appliance to the network absent user intervention (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to have incorporated O'Toole teachings of a network appliance with the

Johnson for the purpose of providing a low cost administration system, which allows the network appliance to boot and obtain its configuration information and distributes information efficiently.

As per claim **4**, Johnson discloses the claimed invention substantially as claimed.

However, Johnson fails to explicitly disclose:

- a set of instructions which when executed balance a processing load on the server appliance with a processing load on another server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a set of instructions which when executed balance a processing load on the server appliance with a processing load on another server appliance (col. 4, lines 52-56).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating more than one server appliance for processing and distributing data items across the network in order to equally balance the load on the server appliances.

As per claim **5**, Johnson discloses the claimed invention substantially as claimed.

However, Johnson fails to explicitly disclose:

- a set of instructions which when executed transfers a processing load from a failed server appliance to another server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a set of instructions which when executed transfers a processing load from a failed server appliance to another server appliance (col. 4, lines 52-56).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating more than one server appliance for processing and distributing data items across the network in order to equally balance the load on the server appliances.

As per claims **6**, **10** and **36**, Johnson discloses:

- a Master Patient Index (col. 10, lines 27-30, and col. 11, lines 5-22).

As per claims **7** and **11**, Johnson discloses:

- a healthcare coding index (col. 9, lines 38-56).

As per claim **9**, Johnson discloses:

- wherein the context vault is accessible to the context manager through the network (abstract, col. 4, lines 52-67, col. 5, lines 1-12, col. 7, lines 42-57 and col. 11, lines 5-22).

As per claim **13**, Johnson discloses:

- wherein performing the act pertaining to context management comprises performing a processing function in a context manager (col. 13, lines 46-56).

However, Johnson does not explicitly discloses:

- server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **14**, Johnson discloses:

- wherein performing the act pertaining to context management comprises performing a processing function in a context vault (col. 13, lines 46-50).

However, Johnson does not explicitly discloses:

- server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **15**, Johnson discloses:

- wherein performing the act pertaining to context manager comprises performing processing functions, in each of a context manager and a context vault (col. 13, lines 46-50).

However, Johnson does not explicitly discloses:

- server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **16**, Johnson discloses the claimed invention substantially as claimed.

However, Johnson fails to explicitly disclose:

- determining whether to use the server appliance or another, similarly configured network appliance, based on load sharing considerations.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- determining whether to use the server appliance or another, similarly configured network appliance, based on load sharing considerations (col. 4, lines 52-56).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating more than one server appliance for processing and distributing data items across the network in order to equally balance the load on the server appliances.

As per claim **17**, Johnson discloses:

- wherein receiving and sending the network messages is done using the TCP/IP (col. 5, lines 28-31).

As per claim **18**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- wherein receiving and sending the network messages is done using the HTTP protocol.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- wherein receiving and sending the network messages is done using the HTTP protocol (col. 8, lines 54-67 and col. 9, lines 1-6).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by using the HTTP protocol to send requests to a web server which allows a user to communicate with the web server effectively.

As per claim **19**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- adapting an existing server appliance for use as a context management server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- adapting an existing server appliance for use as a context management server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the

network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **20**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- adapting the existing server appliance comprises installing context management software onto the existing server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- adapting the existing server appliance comprises installing context management software onto the existing server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **21**, Johnson discloses:

- sending information, from a context client over the network (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5).

However, Johnson does not explicitly disclose:

- a server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **22**, Johnson discloses:

- receiving information, on a context client, over the network (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5).

However, Johnson does not explicitly discloses:

- a server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **23**, Johnson discloses:

- wherein the context management action pertains to patient medical care (col. 3, lines 19-27).

As per claim **24**, Johnson discloses:

- wherein the context management action pertaining to patient medical care comprises an action on a master patient index (MPI) (col. 10, lines 27-30, and col. 11, lines 5-22).

As per claim **25**, Johnson discloses:

- wherein the context management action pertaining to patient medical care comprises is in accordance with a healthcare industry standard (col. 9, lines 38-44).

As per claims **26** and **34**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- coupling the server appliance to a Web server, said Web server managing communication between the server appliance and other elements coupled to the network.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- coupling the server appliance to a Web server, said Web server managing communication between the server appliance and other elements coupled to the network (col. 6, lines 54-65, col. 8, lines 54-67 and col. 9, lines 1-6).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating a web server for storing information in order to allow users to surf and retrieve information in a timely and efficient manner.

As per claims **27** and **35**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- running software on the Web server capable of supporting Web browser applications and an interface to client applications.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- running software on the Web server capable of supporting Web browser applications and an interface to client applications (col. 5, lines 11-20).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by incorporating a web server for storing information in order to allow users to surf and retrieve information in a timely and efficient manner.

As per claims **28** and **33**, Johnson discloses:

- wherein the network is any of: a wide area network, local area network and the Internet (col. 5, lines 21-23).

As per claim **29**, Johnson discloses:

- performing a coding act wherein context data is represented by corresponding numeric data (col. 6, lines 20-43 and col. 7, lines 42-57).

As per claim **31**, Johnson discloses the invention substantially as claimed.

However, Johnson does not explicitly disclose:

- wherein the server appliance is a context management server appliance implemented on an existing server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- wherein the server appliance is a context management server appliance implemented on an existing server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **32**, Johnson discloses:

- a load manager for distributing context management loads between a plurality of servers (abstract, col. 4, lines 52-67, col. 5, lines 1-21, lines 28-31 and col. 7, lines 42).

As per claim **37**, Johnson discloses:

- a context manager (col. 5, lines 28-31, lines 55-67, col. 14, lines 26-67 and col. 7, lines 1-5).

However, Johnson does not explicitly disclose:

- server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the

network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

As per claim **38**, Johnson discloses:

- a context vault (col. 9, lines 38-56).

However, Johnson does not explicitly disclose:

- a server appliance.

O'Toole discloses a method and apparatus for remote configuration of an appliance on a network including:

- a server appliance (col. 4, lines 31-41, col. 6, lines 39-50, lines 66-67 and col. 7, lines 1-7).

Given the teaching of O'Toole, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Johnson by coupling a server appliance to the network in order to provide a self organizing network that efficiently distributes data items in a timely and efficient manner.

Response to Arguments

3. Applicant's arguments with respect to claims 1-38 have been considered but are moot in view of the new ground(s) of rejection.

The Office notes the following arguments:

a. Hayes does not disclose or suggest a context management system comprising a server appliance.

b. Hayes does not disclose or suggest an implementation, which employs a server appliance.

c. Hayes does not disclose or suggest a context management system comprising a web server, accessible through a network via the HTTP protocol.

d. Hayes simply does not disclose or suggest implementation, which comprises a web server that sends and receives communication via the HTTP protocol, as recited in claim 8. Therefore, Hayes does not disclose or suggest the context management system recited in claim 8.

e. Hayes does not disclose or suggest receiving a first network message on a server appliance, as recited in claim 12.

f. Hayes does not disclose or suggest a context management system comprising a server appliance, as recited in claim 30.

In response to (a)-(f), Applicant's arguments have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 6,401,138 to Judge et al

Any inquiry concerning this communication or earlier communications from the examiner should be directed to LaShonda T. Jacobs whose telephone number is 703-305-7494. The examiner can normally be reached on 8:30 AM - 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ario Etienne can be reached on 703-308-7562. The fax phone numbers for the

organization where this application or proceeding is assigned are 703-746-7239 for regular communications and 703-746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-3900.

LaShonda T. Jacobs
Examiner
Art Unit 2157

ltj
April 16, 2004

ARIO ETIENNE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2100